

Election of Species

In response to the requirement to elect a single disclosed species from the species identified as A through F, applicants elect species "C) Powder/particle addition". Claims 29 and 35 are specific to the elected species and Claims 1, 26, 43, 44 and 45 are each generic and thus read on the elected species.

Remarks

On page 3, paragraph 3, the Examiner states:

"it appears that applicants are attempting to cover the entire field of sol-gel chemistry, as relates to energetic material production."

The Examiner is correct and in view of the lack of any prior art cited by the Examiner which teaches energetic material production using sol-gel chemistry, applicants are entitled to present very broad claims which "cover the entire field" relative to "energetic materials". It is well established that the breadth of a claim does not establish indefiniteness per se. Applicants are not concerned that "there is an entire class that relates to sol-gel and other colloidal chemistry", as stated by the Examiner, since the claims are directed to the utilization of sol-gel chemistry for "producing energetic materials", as set forth in generic claims 1 and 26, for example. The "burden on the office" is to search the prior art for the claimed subject matter, not for the entire field of sol-gel chemistry. Also, applicants are not concerned that "the examiner is not an expert in sol-gel chemistry", but it is the responsibility and obligation of the Examiner to search the prior art for the claimed subject matter or possibly request the office to transfer this application to another Examiner where "the cross-over of disciplines presents added difficulties" of which the Examiner may not have sufficient technical background to examine the claimed subject matter of the instant application, in which three (3) Office Actions have now been issued with no examination on the merits of the claims.

Requirement for Formal Drawings

On page 4, paragraph 4, the Examiner appears to be requiring applicants to submit formal drawings at this stage of examination and must "note any specific defects as may have been pointed out in the parent application," along with an apparent threat of "abandonment" if applicants fail to do so. The Examiner is called upon to cite specific authority for these requirements. The "Information On How To Effect Drawing Changes" cited on page 4 of the Office Action clearly does not support the Examiner's comments in paragraph 4. As to parent Application S.N. 08/926,357, a Notice of Draftsperson's Patent Drawing Review was issued noting only corrections required in item 10 thereof. Upon the allowance of the claims, applicants will submit formal drawings which overcome the objections noted by the Draftsperson.

Conclusion

Applicants have elected a single disclosed species as required and have listed the claims readable on that elected species which include five (5) generic claims and two (2) claims specific to the elected species. Examination on these claims on their merits is requested.

Dated: October 18, 2001

Respectfully submitted,

  
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